

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 3949 of 1997

SPECIAL CIVIL APPLICATION No 3950 of 1997

SPECIAL CIVIL APPLICATION No 3951 of 1997

SPECIAL CIVIL APPLICATION No 3952 of 1997

SPECIAL CIVIL APPLICATION No 4098 of 1997 and

SPECIAL CIVIL APPLICATION No 4117 of 1997

For Approval and Signature:

Hon'ble THE ACTING CJ R.A.MEHTA and
MR.JUSTICE N.N.MATHUR

- =====
1. Whether Reporters of Local Papers may be allowed to see the judgements?
 2. To be referred to the Reporter or not?
 3. Whether Their Lordships wish to see the fair copy of the judgement?
 4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
 5. Whether it is to be circulated to the Civil Judge?

DARSHAN INDUSTRIES

Versus

UNION OF INDIA

Appearance:

SCA Nos.3949/97, 3950/97, 3951/97, 3952/97 & 4098/97.

MR PARESH M DAVE for Petitioners

MR H.M.MEHTA, learned Sr. Standing counsel with

MR KETAN A DAVE for Respondents.

SCA No.4117/97:

Mr R.S.Sanjanwala for the petitioners

MR H.M.Mehta, learned Sr. Standing Counsel with

MR KETAN A DAVE for respondents.

CORAM : THE ACTING CJ R.A.MEHTA and

Date of decision: 26/06/97

ORAL JUDGEMENT (Per R.A.Mehta, Actg. CJ)

Rule. Mr Ketan A. Dave, learned Additional Central Government Standing Counsel waives service of rule. Mr H.M.Mehta, learned Senior Standing Counsel appears with Mr Ketan A. Dave for the respondents.

2. In all these matters, against the orders-in-original, the petitioners have preferred appeals to the appellate authority more than a year ago along with stay applications. However, stay applications have not been dealt with so far by the appellate authority and meanwhile coercive recovery is being enforced.

3. In similar situation, in the case of D.C.W. Ltd v. Commissioner of (Appeals) & ors. reported in 38(2) GLR 913 it is held that such stay applications must be decided expeditiously preferably within one month.

4. Therefore it is directed that the appellate authority shall hear and decide the stay applications of the petitioners preferably within one month from today. Till then coercive recovery shall not be effected. The appellate authority shall decide the stay applications in accordance with law and without being influenced by this order.

5. In view of the aforesaid directions and the effective alternative remedy, these petitions are not required to be entertained and are, therefore, dismissed. Rule discharged subject to the the aforesaid directions with no order as to costs.

.....

(vjn)